

FEB 15 2006

FCC - MAILROOM



City of Biddeford, Maine

General Wallace H. Nutting
Mayor

Before the
Federal Communications Commission
Washington, D.C.

In the Matter of
Implementation of Section 621(a)(1)
Of the Cable Act of 1984

MB Docket No. 05-311

Comments of the City of Biddeford, Maine

The City Council of the City of Biddeford, Maine, in its capacity as local franchising authority (the "City"), files these comments in the above-captioned matter.

The City strongly objects to the FCC's consideration of regulations that would usurp municipal powers in the initial franchising of competitive cable providers. The local franchising process has greatly benefited municipalities and millions of cable subscribers by generating cable services and facilities that have special value to our communities. It has been the existence of municipal ability to conduct the franchising process to promote local cable needs and interests that has resulted in the negotiation of cable operator provision of the following:

- tailoring cable system construction to meet essential school outlet and school service needs;
- municipal building outlets and service and tailoring of same to local needs;
- Local Origination or Public, Educational and Governmental Access channels, studios, training, equipment and/or funding, all of which promote a democratic marketplace of ideas, priceless First Amendment values and vibrant localism;
- emergency communications for local first responders, a national priority;
- strong right-of-way management powers for local government, as needed to properly maintain a safe local transportation network.

-Reasonable franchise administration terms and conditions (performance bonds; service evaluation hearings; complaint reporting);

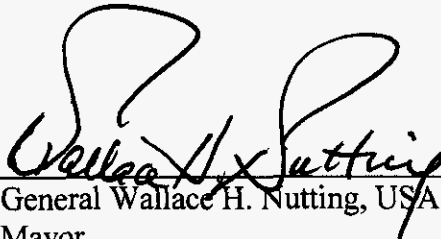
-modest tailoring of benefits to meet reasonable local needs.

Cable system benefits provided to local communities have been attained through the local franchising process, not by Federal Communications Commission intervention in municipal activity. Accordingly, any shortening of the initial franchising process or limiting of initial franchising powers will undermine municipal ability to negotiate necessary and reasonable cable operator support for local needs. The benefits of franchising have greatly outweighed the temporary and relatively small regulatory burdens associated with franchising. Once a franchise is granted, cable operators are virtually assured continuity of operations and merely have to undergo a renewal process with franchise fees capped by federal law. For years, smaller cable companies thrived notwithstanding local franchising. The local franchising process has not interfered with cable company financial success. In light of the historically proven benefits of local franchising, we strongly oppose the Federal Communications Commission's intervention in local matters.

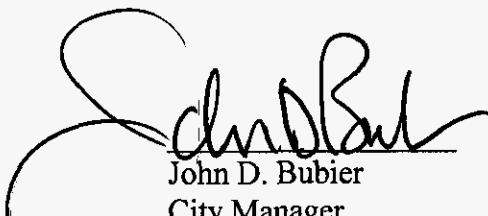
Finally, the City of Biddeford urges that the Commission's consideration of cable franchise level playing field requirements threatens to weaken, not enhance, municipal ability to require reasonable terms from cable overbuilders. Courts and legislatures have respectively upheld and adopted level playing field requirements. Federal agency interference with level playing field issues should prospectively be applied to franchises issued and executed in the future, and should not retroactively abrogate existing contractual terms.

In conclusion, we strongly oppose any FCC effort to change initial franchising rules to support telephone industry interests over decades-old, municipal franchising rights. Cities are closer to the local franchising process than the FCC and cities understand the need to preserve strong franchising powers, maintain strong localism and freedom of speech by continuing strong local franchising powers. We respectfully urge the FCC not to usurp local initial cable franchising powers.

Respectfully submitted,
City Council of the
City of Biddeford, Maine
By their authorized representative


General Wallace H. Nutting, USA (Ret)
Mayor

Date: 7 Feb 2006


John D. Bubier
City Manager

Date: 2/7/06